

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

SILICON SAGE BUILDERS, LLC, *et al.*,

Defendants.

Case No. [20-cv-09247-SI](#)

**ORDER GRANTING RECEIVER'S  
MOTION FOR ORDER APPROVING  
SALE OF REAL PROPERTY OWNED  
BY 138 BALBACH LLC FREE AND  
CLEAR OF LIENS**

Re: Dkt. No. 151

The Receiver has filed a motion requesting an order approving the sale of real property owned by one of the receivership entities, 138 Balbach LLC. The motion is scheduled for a hearing on August 20, 2021. Pursuant to Civil Local Rule 7-1(b), the Court determines this matter is suitable for resolution without oral argument and VACATES the hearing.

The Court has reviewed the motion papers, including the Receiver's reply to the investor letter that was filed with the Court regarding the motion. The Receiver states that his motion only seeks authority to pay the liens and other items that must be paid in order for the Receiver to close escrow and convey clear title to the purchaser. The Receiver also states that he is still in the early stages of the forensic accounting and understanding the flow of money from investors and between entities, and thus that it is premature at this time to resolve how the net proceeds from the sale should be distributed. The Court is satisfied with the Receiver's response, and finds it appropriate that the plan for distribution of the net proceeds should be determined after the Receiver has completed the forensic accounting and has a better understanding of the money flow.

Accordingly, the Court GRANTS the Receiver's motion and ORDERS AS FOLLOWS:

1. The Receiver is authorized to sell the real property owned by 138 Balbach, LLC, located at 138 Balbach St., San Jose, CA, APN 264-77-001 (the "Property"), free and clear of

1 liens on an as-is, where-is basis, without representations or warranties, with the  
2 undisputed liens to be paid through escrow at the closing and any disputed liens or  
3 portion thereof to attach to the proceeds with the same validity and priority as they were  
4 attached to the Property, pending further Court order;

5 2. The Receiver is authorized to pay the valid and undisputed liens and taxes in full from  
6 the proceeds without further order of the Court;

7 3. The Receiver is authorized to pay JLL its commission and is further authorized to pay  
8 the ordinary costs of sale of the Property from the proceeds of the sale;

9 4. Any licensed title insurer and the Buyer are authorized to rely on this Order as  
10 authorizing the Receiver to transfer legal title to the Property free and clear of liens;

11 5. The terms of the Purchase Agreement and the Forbearance Agreement that are attached  
12 to the Receiver's motion as Exhibits 1 and 2, respectively, are approved; and

13 6. The Receiver is authorized to take any and all actions reasonably necessary to  
14 consummate the sale of the Property.

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16 **IT IS SO ORDERED.**

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18 Dated: August 9, 2021



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SUSAN ILLSTON  
United States District Judge